



POLICY BRIEF | HB 265 / SB 404 ABORTION

Kids can't simply inform their parents they're going on field trip or participating in an organized sport; they need parental consent. If it's required for these mundane activities, then it should be required for abortions.

HB 265 (Grall) / **SB 404** (Stargel) **ABORTION**: prohibits abortions on girls younger than 18 unless a parent consents or a court waives this requirement.

- Parental rights to care for their children have long been recognized under the U.S. Constitution. That is why parental consent is required before a child can engage in any activity that might endanger her well-being.
- **HB 265/SB 404** changes Florida's current law that says a parent *merely be notified* of their child's abortion.
- Just as is the case today, any minor who is a victim of child or sexual abuse by a parent or guardian may seek a judicial waiver to bypass the parental consent requirement. Also, the court must report abuse to the Department of Children & Families.
- The judicial waiver process works: 92% (205 of 224) were granted in 2017 and 94% (182 of 193) in 2018.
- In 2017, there were 1,472 abortions performed on minors of which 205, or about 14%, were the result of a judicial waiver.
- **HB 265/SB 404** also increases the penalty on health care practitioners if they do not preserve the health and life of an infant born alive during an attempted abortion. Under the bill, a violation goes from being a first-degree misdemeanor to a third-degree felony.

Frequently asked questions about parental consent:

Q: Doesn't a pregnant minor have a right to privacy to seek an abortion based on prior court decisions?

A: Both the Florida (T.W.) and U.S. Supreme Courts (Bellotti) have said states can restrict the rights of children to obtain abortions because of their vulnerability, inability to make critical decisions in an informed and mature way, and because of the important parental role in child rearing.

Q: Hasn't parental consent been held unconstitutional; why are we re-litigating this?

*A: The court struck down a prior statute because of issues with the judicial waiver process. But those were corrected in the 2005 Parental Notification Act, which was upheld and remains the process minors have used for judicial waivers for the past 14 years. **HB 265/SB 404** employs this judicial waiver process.*

See the bill text and staff analysis for more information.